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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [TS](#)
SUBJECT: TUNISIAN UNIVERSITY PROFESSOR GETS JAIL TIME FOR
FACEBOOK POSTING

REF: TUNIS 99

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

¶1. (C) Summary: In a case that attracted international media attention, university professor Khediya Arfaoui was sentenced to eight months in prison for posting a message about child abduction on her Facebook page. Subsequent to the sentencing, through a family member, the Tunisian Minister of Justice (MOJ) asked Arfaoui to submit an open letter to the press explaining that she meant no harm by posting the message on Facebook. The MOJ may be seeking a face-saving way to grant leniency to Arfaoui. While this process plays out, the Embassy will monitor the situation and consult with like-minded diplomatic missions. End Summary.

Living "a nightmare"

¶2. (C) Khediya Arfaoui, a 69-year old university professor, met with Emboff on July 16 to discuss the process that led to her recent eight-month prison sentence for posting a message on her Facebook site about child kidnappings. The message she had posted was related to rumors that had already been circulating in Tunisia and had been picked up by the local press. It claimed that children had been kidnapped in the Bab el-Khadra area of Tunis for the purpose of organ trafficking, and was written as a warning to parents. Arfaoui had received the message in an email from Miriam Bouker, an acquaintance whose mother is connected to first lady Leila Ben Ali. In early May, Arfaoui was summoned to the headquarters of the Judiciary Police in Tunis and questioned for approximately eight hours. During questioning, police told Arfaoui that "we don't have (child kidnapping) in Tunisia."

¶3. (C) Several days later, details of Arfaoui's case began appearing in GOT-affiliated newspapers, though without mentioning her name and with numerous inaccuracies. With only one day's notice, Arfaoui was summoned to a court appearance on June 6 on charges of "disturbing public order," during which the judge asked about her relationship with Miriam Bouker (note: Bouker does not appear to be facing any investigation or prosecution). After a second hearing on June 27, she was convicted on July 4 and sentenced to eight months in prison; she learned of her sentence in newspapers the following day. She is currently free on appeal and expects another court date in October.

¶4. (C) Although Arfaoui has friends and colleagues among the political opposition and is an active member of two independent women's rights groups (the Tunisian Women's

Association for Research and Development and the Tunisian Democratic Women's Association), she chose not to involve them in her defense, preferring to keep a low profile. In court, she was represented by her nephew, a young lawyer with no political affiliation, and she has not made any statements to media or NGO outlets.

15. (C) Arfaoui is also connected to influential GOT officials. She told Emboff that her ex-husband had served in the military with President Ben Ali and with Moncef El-Matri, uncle of Ben Ali's son-in-law Sakhr El-Matri. Through these connections, a relative of Arfaoui recently met with Minister of Justice and Human Rights Bechir Tekkari to discuss her case. According to her relative, Tekkari said he regretted that Arfaoui had "politicized" the case (referring to the many complaints he was receiving from human rights groups) and suggested that Arfaoui submit a letter to Tunisian media sources (cleared by the Minister) explaining that she did not intend to cause a panic or "disturb public order" by posting the article on Facebook. Though no promises were made, Arfaoui hopes to receive some leniency in return for this public statement. She also plans to write a letter to President Ben Ali with the same message.

16. (C) During her meeting at the Embassy, Arfaoui became visibly upset while discussing her case and cried at times. She appeared dejected and defeated at the prospect of writing what amounts to an apology for a crime she feels she did not commit, in a case she considers to be "an enormous injustice." As she awaits her appeal, she says she is under surveillance and

suspects her phone and email communications are monitored.

Facebook pushing the limits of GOT tolerance

17. (C) The Arfaoui case is not the first run-in between the GOT and Facebook: the GOT has accused Facebook of promoting "sex, drugs, violence, terrorism, and spying" and blocked the site briefly in 2008 (Reftel). There have been periodic articles in the local press citing the dangers that Facebook presents to the public. In response to criticism from human rights and press freedom organizations over the treatment of Khediya Arfaoui, the GOT has remained defiant, telling international media sources that the court's ruling "stands on a strong legal foundation" and that Arfaoui had created "a real panic" by spreading rumors of kidnappings.

Comment: A possible end game but a warning for all

18. (C) Khediya Arfaoui feels herself to be a GOT scapegoat but she also wants to avoid becoming a human rights poster child. The Minister of Justice may be seeking a face-saving way to let Arfaoui off the hook through this public letter. For the moment, the Embassy is consulting with like-minded missions and believes the USG should act if Arfaoui's situation takes a turn for the worse. Given GOT sensitivities about Facebook, this is almost certainly an effort to shut down dialogue on the site, which has become perhaps the only place for real public discussion.
Godec